

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

DARYUSH VALIZADEH, an individual,

Plaintiff,

v.

JANE DOE, a/k/a "Susan,"; and
JOHN AND JANE DOES 2-10, all
whose true names are unknown,

Defendants.

CIV. 16-5020

**DECLARATION OF
MARC J. RANDAZZA**

I, Marc J. Randazza, declare as follows:

1. My name is Marc J. Randazza; I am over the age of 18 years and am fully competent to make this Declaration. The facts set forth in this Declaration are within my personal knowledge and are true and correct.

2. I am a member of the bars of the states of Massachusetts, California, Nevada, Arizona, and Florida and am counsel of record for Daryush Valizadeh.

3. On Mr. Valizadeh's behalf, I contacted S. Jane Gari and demanded that she retract a story she had posted on her blog claiming that Mr. Valizadeh raped a woman. I have attached to this declaration a true and complete copy of my letter to Ms. Gari as Exhibit A.

4. Upon transmitting the letter, I received a call from Attorney Benjamin McCoy, of Columbia, South Carolina. During that call, Mr. McCoy and I planned a mediation to resolve these matters.

5. Shortly thereafter, I received a letter from a new attorney, Paul S. Levine¹, cancelling the mediation and refusing my request to retract the story. In that letter, he claimed that he had "reviewed the extensive email correspondence by and between [his] client and the woman she calls 'Susan' in her blog." He also claimed that "'Susan' is indeed a very real person, who indeed claims that she was raped by" Mr. Valizadeh. I have attached a true and complete copy of Mr. Levine's letter as **Exhibit B**.

6. In that same letter, Mr. Levine claimed to have reviewed "various email correspondence" by "various other women who claim to be, or to be acquainted with, victims of [Mr. Valizadeh]."

7. Mr. Levine confirmed that, "'Susan' is indeed a very real person, who indeed claims that she was raped by" Mr. Valizadeh.

8. Mr. Levine's representations suggest there are others who have made false statements to either corroborate Jane Doe, a/k/a "Susan"'s false allegations, or to falsely allege themselves that they have been sexually victimized by Plaintiff.

9. Significantly, in my original demand letter, I afforded latitude to Ms. Gari that she might claim the right to protect her sources under a journalist shield law. However, in Mr. Levin's letter, he waived the right to claim journalist privilege, by emphatically stating, in no uncertain terms that Ms. Gari is not a journalist. See **Exhibit B**, ¶1, line 1 (emphasis in the original).

10. During the last fifteen years, I have frequently brought claims on my clients' behalf against defendants who have engaged in anonymous unlawful

¹ Ms. Gari initially engaged Benjamin D. McCoy of South Carolina. Mr. Levine, was Ms. Gari's second lawyer. Subsequent to the communications referred to in this Declaration and the corresponding motion, Ms. Gari again changed counsel and at the time of this filing is represented by William Wray Jr. of Rhode Island.

conduct on the Internet. On many occasions, I have been able to identify and locate defendants by seeking early discovery and subpoenaing individuals and entities who with information relevant to the defendants. This method is an effective means of identifying individuals and holding them responsible for their unlawful acts.

Pursuant to the laws of the United States, I declare under penalty of perjury the foregoing is true and correct.

Dated March 29, 2016.

DocuSigned by:
Marc Randazza
FC7D2A85030B432...

Marc J. Randazza